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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

12 September 2005

(2005/C 224/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2313	SIT	Slovenian tolar	239,44
JPY	Japanese yen	135,20	SKK	Slovak koruna	38,183
DKK	Danish krone	7,4552	TRY	Turkish lira	1,6463
GBP	Pound sterling	0,67435	AUD	Australian dollar	1,5945
SEK	Swedish krona	9,2834	CAD	Canadian dollar	1,4587
CHF	Swiss franc	1,5443	HKD	Hong Kong dollar	9,5565
ISK	Iceland króna	77,19	NZD	New Zealand dollar	1,7446
NOK	Norwegian krone	7,8015	SGD	Singapore dollar	2,0618
BGN	Bulgarian lev	1,9559	KRW	South Korean won	1 262,88
CYP	Cyprus pound	0,5729	ZAR	South African rand	7,8592
CZK	Czech koruna	29,190	CNY	Chinese yuan renminbi	9,9641
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,4250
HUF	Hungarian forint	244,53	IDR	Indonesian rupiah	12 436,13
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,641
LVL	Latvian lats	0,6961	PHP	Philippine peso	68,953
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,9310
PLN	Polish zloty	3,9328	THB	Thai baht	50,290
RON	Romanian leu	3,4950			

⁽¹⁾ Source: reference exchange rate published by the ECB.

Prior notification of a concentration
(Case COMP/M.3961 — Permira-KKR/SBS Broadcasting)

Candidate case for simplified procedure

(2005/C 224/02)

(Text with EEA relevance)

1. On 2 September 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking PKS Media S.à r.l. ('PKS', Luxembourg), jointly controlled by Permira Holdings Limited ('Permira', Guernsey) and Kohlberg Kravis Roberts & Co. L.P. ('KKR', USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking SBS Broadcasting SA ('SBS', Luxembourg) by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- for PKS: specially created acquisition vehicle;
- for Permira: private equity fund;
- for KKR: private equity investment company;
- for SBS: free-to-air and pay television, radio broadcasting and publication of TV and radio guides.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3961 — Permira-KKR/SBS Broadcasting, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Brussels

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration
(Case COMP/M.3892 — Bayerische Landesbank/Speed)
Candidate case for simplified procedure

(2005/C 224/03)

(Text with EEA relevance)

1. On 5 September 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Bayerische Landesbank ('BLB', Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Speed Investments Ltd. ('SPEED', Jersey) which in turn controls through the undertaking SLEC Holdings Ltd. ('SLEC', Jersey) a number of Formula One companies ('Formula One Group'), namely Formula One Asset Management Ltd (UK), Formula One World Championship Ltd. (UK), Formula One Holding Ltd. (UK), Formula One Administration Ltd. (UK), Petara Ltd. (Jersey), Formula One Management Ltd. (UK), Formula One Licensing BV (Netherlands), Formula One Productions Ltd. (UK), Formula One World Travel Ltd. (UK), Mirren Holdings Ltd. (Bahamas), Formula 1.com Ltd. (UK), by way of termination of a Memorandum of Cooperation between the shareholders BLB, J. P. Morgan Chase Bank (JPM, USA), Lehmann Commercial Paper Inc. ('Lehmann Brothers', USA).

2. The business activities of the undertakings concerned are:

— BLB: Banking activities,

— SPEED: Holding company, which through SLEC owns the commercial rights in the Formula One Series.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3892 — Bayerische Landesbank/Speed, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Brussels

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Non-opposition to a notified concentration
(Case COMP/M.3798 — NYK/Lauritzen Cool/LauCool JV)

(2005/C 224/04)

(Text with EEA relevance)

On 19 August 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website under document number 32005M3798. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)

Non-opposition to a notified concentration
(Case COMP/M.3887 — Clerical Medical/MLP-Life Insurance)

(2005/C 224/05)

(Text with EEA relevance)

On 5 September 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website under document number 32005M3887. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)
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Non-opposition to a notified concentration
(Case COMP/M.3897 — WestLB/NordLB/Shinsei/Flowers/JV)

(2005/C 224/06)

(Text with EEA relevance)

On 5 September 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website under document number 32005M3897. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)

Non-opposition to a notified concentration
(Case COMP/M.3926 — Spohn Cement/Heidelbergcement)

(2005/C 224/07)

(Text with EEA relevance)

On 6 September 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website under document number 32005M3926. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)
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Non-opposition to a notified concentration**(Case COMP/M.3915 — Apax/Versatel)**

(2005/C 224/08)

(Text with EEA relevance)

On 6 September 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website under document number 32005M3915. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)

Non-opposition to a notified concentration**(Case COMP/M.3912 — Bidvest/Deli XL)**

(2005/C 224/09)

(Text with EEA relevance)

On 31 August 2005, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website under document number 32005M3912. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)
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Publication of an application for registration pursuant to Article 6(2) of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2005/C 224/10)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the above-mentioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognized in accordance with Article 12(3) within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

SUMMARY

COUNCIL REGULATION (EEC) No 2081/92

'SARDEGNA'

EC No: IT/00284/18.03.2003

PDO (X) PGI ()

This summary has been drawn up for information purposes only. For full details, in particular the producers of products covered by the PDO or PGI concerned, please consult the complete version of the product specification obtainable at national level or from the European Commission ⁽¹⁾.

1. *Responsible department in the Member State:*

Name: Ministero delle Politiche Agricole e Forestali
Address: Via XX Settembre n. 20 — I-00187 Roma
Tel.: 06 481 99 68
Fax: 06 42 01 31 26
E-mail: qtc3@politicheagricole.it

2. *Group:*

2.1 *Name:*

1. L.A.R.P.O. — Libera Associazione Regionale Produttori Olivicoli,
2. A.P.P.O.O. — Associazione Provinciale Produttori Olivicoli di Oristano,
3. A.P.P.O.S. — Associazione Provinciale Produttori Olivicoli Sassari,
4. A.R.P.O.L. — Associazione Regionale Produttori Olivicoli,
5. A.P.P.O.N. — Associazione Provinciale Produttori Olivicoli,
6. A.P.P.O.C. — Associazione Provinciale Produttori Olivicoli Cagliari,
7. Associazione Regionale Olivicoltori Sardi;

2.2 *Address:*

1. Piazza Roma, Pal. Sotico — I-09170 Oristano,
2. Via Cavour, 6 — I-09170 Oristano,
3. Via Budapest, 10/A — I-07100 Sassari,
4. Via XX Settembre, 25 — I-09125 Cagliari,
5. Via Alghero, 3 — I-08100 Nuoro,

⁽¹⁾ European Commission, Directorate-General for Agriculture, Agricultural product quality policy, B-1049 Brussels.

6. Via Sassari, 3 — III p. — I-09123 Cagliari,

7. Via Emiciclo Garibaldi, 16 — I-07100 Sassari;

2.3 Composition: producers/processors (X) other ()

3. *Type of product:*

Class 1.5 Extra-virgin olive oil

4. *Specification:*

(Summary of requirements under Article 4(2))

4.1 Name:

'Sardegna'

4.2 Description:

Extra-virgin olive oil with the following chemical and organoleptic characteristics:

- acidity in terms of oleic acid $\leq 0,5$ %
- panel test and other parameters ≥ 7 and, in any case, within acceptable limits under current legislation
- peroxide number ≤ 15
- polyphenols ≥ 100 ppm
- tocopherols ≥ 100 ppm
- colour: from green to yellow, varying chromatically over time
- odour: fruity
- taste: fruity with bitter and spicy overtones.

4.3 Geographical area:

The area of production of the protected designation of origin 'Sardegna' includes the municipalities within the provinces of Cagliari, Oristano, Nuoro and Sassari listed in the product specification and situated in the Sardinia region.

4.4 Proof of origin:

The olive has been grown in Sardinia since the distant past as a native species that was part of the natural vegetation of the island. The discovery of Carthaginian and Roman ships containing amphoras of wine and oil shows that in that era there was already a flourishing trade in the product. The growth of the religious orders, particularly after 1000 AD, led to an increase in olive-growing on the island, as is shown by a variety of indications of the work of the monastic orders which had become established on the island. During the long period of Spanish dominance, olive-growing continued to increase thanks to specific laws decreeing, amongst other things, that each citizen must graft at least 10 wild olives each year or pay a fine of 40 soldi; the trees remained the property of the person who grafted them. During the same period, grafting experts came from Spain in order to train instructors on the spot who would then spread the grafting technique. In addition, anyone who owned more than 500 olive trees was obliged to build an oil press to extract the oil.

It was not only the Spanish who took steps to promote olive-growing, but also the kings of the House of Savoy, who encouraged it by introducing a series of laws which included an obligation to plant olive trees on the boundaries of areas of land and to graft wild trees within three years. In 1806 the first laws benefiting farmers who grafted and planted olive groves were passed, granting reductions and premiums.

All the measures taken in favour of olive-growing meant that at the 1901 exhibition in Cagliari, 12 Sardinian producers and bottlers took part. Regional olive-growing has received particular attention in more recent years as well, benefiting from specific assistance programmes to promote its development and improvement.

In order to ensure the traceability of the product, the monitoring body will maintain an up-to-date list of olive groves, oil-millers and bottlers.

4.5 Method of production:

The production process may be summarised as follows. The protected designation of origin 'Sardegna' denotes extra-virgin olive oil obtained from single-variety or mixed olive groves of which at least 80 % comprises the following olive varieties: Bosana, Tonda di Cagliari, Nera (Tonda) di Villacidro, Semidana and their other names; the remaining 20 % may be made up of the minor varieties that grow in the area. Olive groves suitable for the production of PDO 'Sardegna' extra-virgin olive oil may not produce more than 120 q/ha of olives. The maximum yield in oil is 22 %. The olives must be harvested at their optimal level of ripeness, from the beginning of pitting to no later than 31 January. They may be harvested by hand-picking or mechanically. When the olives are harvested, they should then be transported and preserved in suitable ventilated containers in order to ensure that they retain their original quality, in a fresh, airy atmosphere away from water, wind, risk of frost and protected from unpleasant odours. The olives should be milled within two days of harvesting.

Protected designation of origin 'Sardegna' extra-virgin olive oil should be extracted at the place of production, in oil mills that are recognised by the legislation currently in force, situated in the municipalities described at point 4.3 and using only mechanical and physical processes that will ensure that the original characteristics of the fruit are preserved and that the product will have the highest organoleptic quality. The maximum permitted grinding temperature is 30° C; the maximum permitted duration is 75 minutes. Anyone intending to produce the protected designation of origin 'Sardegna' must abide fully by the specification lodged with the EU.

In order to ensure that the product can be traced and monitored, the extraction and bottling of the oil must be carried out within the area described at point 4.3. The bottling of the oil must also take place in the production area due to the need to safeguard the unique characteristics and the quality of the oil, ensuring that the third party inspection is witnessed by the producers concerned. The protected designation of origin is of essential importance to the producers and, in accordance with the objectives and spirit of the Regulation, gives them an opportunity to supplement their income. In any case, bottling is traditionally carried out in the production area.

4.6 Link:

'Sardegna' oil's qualitative properties and characteristics are closely linked to the typical Mediterranean soil and climate, of which Sardinia is a classic example, which corresponds perfectly with the temperature requirements of the olive. In fact, the species can be found throughout the island and it is cultivated in 95 % of the municipalities of Sardinia. The favourable environment has contributed to spreading and multiplying several native varieties. One detailed study listed 18 varieties of Sardinian olive, forming a very important natural genetic resource. Rainfall is concentrated in autumn and spring with long dry periods during the summer. Average rainfall in olive-growing areas is 550/600 mm per year with lower levels in the Cagliari area and higher levels in the Bosa area. Temperatures progress with the seasons and are at their height in summer at the same time as the fruits gain weight and become oily. All of this conspires to create a dry season which has a considerable influence on the olive's fruit-bearing cycle. The topography is largely hilly.

The lives of the local population have always been connected to the cultivation of the olive and this close correlation is shown by the variety of measures taken to promote the expansion of olive-growing which have been a determining factor in the socio-economic development of the region. The oil produced in the region has attained such high levels of quality that it has been recognised countless times in the competitions in which its producers have participated. This recognition has contributed to the fame and acclaim of the PDO which has been sold on European markets for several decades with excellent results.

4.7 Inspection body:

Monitoring of product conformity will be carried out by the following consortia:

Consorzio Interprovinciale per la frutticoltura (provincia di Cagliari, Nuoro and Oristano)

Address: Via Carloforte, 51, I-09100 Cagliari

Consorzio provinciale per la frutticoltura (provincia di Sassari)

Address: Viale Adua, 2C, I-07100 Sassari

4.8 Labelling:

The words 'Denominazione di Origine Protetta "Sardegna"' must appear on the label together with, clearly and in indelible ink, the PDO logo, which is an olive with a drop of oil coming out of it which, together with the leaves of the olive plant, form the stylised head of a small donkey, the symbol of oil production in Sardinia. Details of the logo can be found in the product specification. The oil must be marketed in containers of not more than 5 litres.

4.9 National requirements: —

III

(Notices)

COMMISSION

Preparatory actions for return management in the area of migration**Call for proposals 2005**

(2005/C 224/11)

1. Objectives and description

The RETURN preparatory actions shall contribute to the creation of an effective Community return policy, which is a necessary complement to a credible legal immigration and asylum policy. It is as well an important component in the fight against illegal immigration. The programme shall fund projects aiming at improving the management of return of illegal migrants in all its dimensions. It shall support and further develop the cooperation and solidarity among the Member States, as well as to encourage the cooperation with the countries of return.

The projects are per definition of trans-national character and they should involve at least two organisations based in two different Member States. Projects proposed by an individual Member State may in exceptional circumstances be funded if they contain a real added value such as innovative approaches compared to the practice in the Member States and the countries of return concerned.

The projects shall pursue the following three main strands of action:

Strand A: Actions relating to the introduction and improvement of the organisation and implementation of integrated return management

Strand B: Actions relating to the introduction and improvement of specific measures in the area of return management

Strand C: Actions relating to the increase of knowledge and capabilities in the area of return management.

2. Eligible applicants

The Call for proposals is addressed to the national, regional and local authorities of the Member States and to Non Governmental Organisations registered in one of the Member States, as well as International Organisations and Community Agencies, all of them working on a strictly non-profit basis and with proven expertise and experience in the fields covered. Actions may include partners and participants from countries of return on a no-cost basis from the Commission.

3. Budget and project duration

The total budget available for 2005 is EUR 15 000 000, from which EUR 8 000 000 are foreseen for projects under Strand A, EUR 6 000 000 for projects under Strand B and EUR 1 000 000 for projects under Strand C. This distribution of the budget among the different Strands is indicative.

The amount of grant per project cannot exceed 50 % of the total eligible costs of projects implicating actions in one Member State and 70 % of the total eligible costs of projects implicating actions in more than one Member State. However, in the case of exceptionally innovative projects and subject to duly justified reasons, a project can be co-financed at a higher percentage.

Funding per project implicating actions in only one Member State will not exceed EUR 1 000 000 under Strand A and B.

Funding per project implicating actions in more than one Member State will not exceed EUR 2 500 000 under Strand A and B and EUR 250 000 under Strand C.

Funding per project shall not be less than EUR 300 000 under Strand A and B, and not be less than EUR 50 000 under Strand C.

The duration of projects for all strands shall not exceed 18 months and the activities should begin between 1 March 2006 and 31 October 2006.

4. Deadline

Applications must be sent to the Commission no later than: 31 October 2005.

5. Further information

The specifications and the application forms are available on the following Commission's internet site:

http://europa.eu.int/comm/justice_home/funding/return/wai/funding_return_en.htm

Applications must comply with the requirements set out in the specifications and be submitted using the forms provided.

UK-Lerwick: operation of scheduled air services**Invitation to tender issued by the United Kingdom under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of the scheduled air services between the Shetland Mainland (Tingwall/Sumburgh) and the Islands of Foula, Fair Isle, Out Skerries and Papa Stour**

(2005/C 224/12)

(Text with EEA relevance)

- 1. Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, the United Kingdom has imposed public service obligations (PSOs) in respect of scheduled air services operated between the Shetland Mainland and the islands of Foula (from Tingwall), Fair Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall). The standards required by the public service obligations were published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004 and C 223 of 10.9.2005.
- 4. Tender procedure:** This invitation to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h), and (i) of Regulation (EEC) No 2408/92.
- 5. Tender dossier/qualifications etc.:** The complete tender documentation, including form of tender, specification, conditions of contract/schedule to the conditions of contract, as well as the text of the original public service obligations published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004 and C 223 of 10.9.2005 may be obtained free of charge from the awarding authority as follows:

Insofar as by 1 March 2006 no air carrier has commenced or is about to commence scheduled air services between the Shetland Mainland and the islands of Foula (from Tingwall), Fair Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall) in accordance with the PSOs imposed and without requesting compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned Regulation, to continue to limit access to the routes to a single air carrier and to offer the right to operate such services from 1 April 2006 by public tender.

The contract shall be awarded by Shetland Islands Council, hereinafter referred to as the 'Awarding Authority'.

- 2. Object of invitation to tender:** Operation from 1 April 2006 of scheduled air services between the Shetland Mainland and the islands of Foula (from Tingwall), Fair Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall) in accordance with the public service obligations imposed on the routes and published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004 and C 223 of 10.9.2005.
- 3. Participation:** Participation is open to all air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 on 23 July 1992 on licensing of air carriers. The services will operate under the Civil Aviation Authority (CAA) regulatory regime.
- 6. Financial compensation:** The tenders submitted should indicate the amount required by way of grant for operating the services for 3 years from the scheduled starting date. The grant should be calculated in accordance with the specification. The maximum limit finally granted may be revised only in the event of an unforeseen change in the operating conditions.

Shetland Islands Council, Infrastructure Services Department, Transport Services, Grantfield, Lerwick ZE1 ONT, Shetland; tel. (44) 15 95 74 48 00, fax (44) 15 95 74 48 69 (Contact: Ian Bruce, Service Manager — Transport Operations).

Airlines will be required to include in their tender documents evidence of their financial standing (a bank reference to cover the contract value together with an annual report and audited accounts for the past 3 years must be provided and must include turnover and pre-tax profit for the past 3 years), previous experience and technical capability to provide the services described. The awarding authority reserves the right to solicit further information about any applicant's financial and technical resources and abilities.

Tenders should be priced in pounds sterling and all supporting documents must be in English. The contract will be considered as a contract made under Scots law and subject to the exclusive jurisdiction of the Scottish courts.

The contract will be awarded by Shetland Islands Council. All payments under the contract will be in pounds sterling.

7. **Period of validity, amendment and termination of the contract:** A 3-year contract for the 4 routes will commence on 1 April 2006 and will terminate on 31 March 2009. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the services will be permitted only with the agreement of the awarding authority.

8. **Penalties in the event of the carrier failing to comply with the contract:** In the event of the carrier failing to operate a flight for any reason, then subject as after-mentioned, the awarding authority may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the awarding authority shall not make any such reduction in the grant where the failure to operate the flight is as a consequence of any of the following, and the appropriate occurrence has not arisen as a consequence of the acts or omissions of the carrier:

- weather,
- closure of the airports,
- security reasons,
- strikes,
- reasons of safety.

An explanation from the carrier for such non-operation is also required in accordance with the conditions of contract.

9. **Deadline for submission of bids:** One month after the date of publication of this notice.

10. **Application procedure:** Tenders must be sent to the following address:

Head of Legal and Administration, Shetland Islands Council, 4 Market Street, UK-Lerwick, Shetland ZE1 0JN.

Persons admitted to open tenders are designated staff and elected members from the awarding authority. Tenders should not be delivered to the address stated in paragraph 5.

11. **Validity of invitation to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community air carrier presents, by 1 March 2006, a programme for operating the routes in question from 1 April 2006 or before that date, in accordance with the PSOs imposed, as amended, without receiving any subsidy. The awarding authority reserves the discretion to refuse to accept any tender if, on appropriate grounds, none is considered suitable for acceptance.

CORRIGENDA**Corrigendum to the uniform application of the Combined Nomenclature**

(Official Journal of the European Union C 168 of 8 July 2005)

(2005/C 224/13)

On page 25, under Page 232, in the first list:

for: 'Swimming shorts must have all the following characteristics:

have inner briefs sewn to the garment or at least

— a lining in the front or the crotch

— be tight at the waist (e.g. have a drawstring or a fully elasticated waist)',

read: 'Swimming shorts must have all the following characteristics:

— have inner briefs sewn to the garment or at least a lining in the front or the crotch

— be tight at the waist (e.g. have a drawstring or a fully elasticated waist)'.
